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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RUBY JEAN MAY, KELVIN DAVIS, and
ROBERT SPEARS,

Case No. CV-N-04-0087-LRH-RAM

Plaintiffs.

VS.

CITY OF RENO, JERRY HOOVER,
RPD SGT. WALTER FRAZIER, RPD OFF.
PAUL ADAMSON, CITY OF SPARKS,
SPD OFF. SCOTT TRACY & SPD OFF.
PETE KRALL,

**STIPULATION AND PLAINTIFF'S
REQUEST FOR EXTENSION TO FILE
JOINT PRETRIAL ORDER;
ORDER**

Defendants.

On September 30, 2008, this Honorable Court entered a minute order scheduling trial in this matter on the stacked calendar of March 24, 2009, at 8:30 a.m. with calendar call to take place on March 12, 2008 (see Docket 171). In addition, the minute order provided that the parties shall submit a proposed joint pretrial order no later than October 31, 2008.

Due to his counsels' scheduling conflicts during late October, plaintiff needs an extension of the time to file the Joint Pretrial Order. The parties have met and conferred and defendants have no objection to plaintiff's request. Accordingly, the parties stipulate as follows: Good cause exists to

1 extend the date for submission of the joint pretrial order. The remaining parties, plaintiff Robert Spears
 2 and defendant RPD Officer Paul Adamson, will need substantial time to consider and draft the joint
 3 pretrial order and come to agreement on its final form. This is because the scope of the trial was
 4 drastically affected by the Ninth Circuit's action in reversing and remanding this Court's grant of
 5 summary judgment on Mr. Spears's Fourth Amendment claim against Officer Adamson while
 6 upholding the grant of summary judgment in all other respects.

7 The rules provide that Plaintiff's counsel is to take the initiative in drafting the JPO. Plaintiff's
 8 counsel simply do not have time to do this. Two sole practitioners, have several other pressing
 9 deadlines and are currently at the point of being over-extended, regularly working into the night and
 10 week-ends. On top of having to attend to discovery and other routine matters associated with their busy
 11 civil rights law practice – in addition to the JPO in this case currently due October 31, 2008 –
 12 plaintiff's counsel currently face the following court deadlines in late October:

- 13 (1) October 20, 2008 – oral argument before the Ninth Circuit Court of Appeals in San
 Francisco in the matter of *Conn v. City of Reno et al.*, Nevada District Court Case
 No. 3:05-cv-00595 HDM (RAM), Ninth Circuit Case No. 07-17752;
- 15 (2) October 21, 2008 – deposition taking place in Pasadena, California in the matter of
 Shook v. Town of Truckee et al., Eastern District of California, Case No. 2:06-cv-
 02865-MCE-EFB;
- 17 (3) October 27, 2008 – Joint Pretrial Order due in the case of *Rios et al. v. City of Reno*
 et al., Nevada District Court Case No. 3:06-cv-647 BES (RAM);
- 19 (4) October 27, 2008 – Oral argument on defendants' motion for summary judgment in
 the matter of *Zohar v. State of Nevada et al.*, Nevada District Court Case No. 3:06-
 cv-00731 ECR (VPC);
- 21 (5) October 29, 2008 – Pretrial conference hearing in Sacramento, California in the
 Shook matter, which trial scheduled to commence December 8, 2008; and
- 23 (6) October 30, 2008, Joint Pretrial Order due in *Russell v. City of Reno et al.*, Nevada
 District Court Case No. 3:04-CV-00679 LRH (RAM), with trial scheduled to
 commence January 27, 2009, and calendar call scheduled for January 15, 2009.

24 In addition, counsel's November and December calendars are nearly as busy with oral argument
 25 scheduled to take place in the matter of *Bottenberg v. Carson Tahoe Hospital* (Nevada District Court
 26 Case No. 3:05-cv-00684-HDM (VPC), Ninth Circuit Case No. 07-16103) and pretrial matters followed
 27 by a two-week trial in the *Shook* case.
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1 For these reasons, it is respectfully requested that this Honorable Court extend the deadline for
2 the Joint Pretrial Order to **Friday, January 16, 2008**, a date that will give counsel sufficient time
3 properly to consider, negotiate, and prepare the Joint Pretrial Order and a date that is still more than
4 two months from the date of trial.

5 **IT IS SO AGREED:**

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7 DATED this 30th of September 2008.
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10 By: /s/ Diane K. Vaillancourt
11 TERRI KEYSER-COOPER
12 DIANE K. VAILLANCOURT
13 *Attorneys for Plaintiffs*

14
15 DATED this 30th day of September 2008.
16

17 By: /s/ Creig Skau
18 JOHN J. KADLIC, City Attorney
19 CREIG SKAU, Deputy City Attorney
20 *Attorneys for the City of Reno Defendants*

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22 **IT IS SO ORDERED:**

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24 DATED this 1st day of October, 2008.



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28 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE